

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY DEAN SMITH,

Defendant.

CR 20-16-M-DWM

ORDER

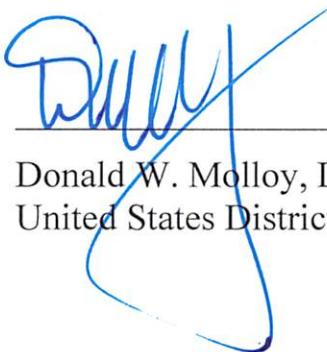
The government moves unopposed to credit the restitution of Defendant Billy Dean Smith. (Doc. 60.) Based on the documents filed in this case and the information presented in the motion, the Court finds the following:

1. This Court ordered Smith to pay restitution of \$43,307.03. (Doc. 43; PSR at 26.)
2. Smith and his victim negotiated a settlement agreement in a civil action, which included a global release of the victim's civil claims in exchange for the transfer of property by Smith. The Montana Twentieth Judicial District Court approved the settlement as reasonable and not unconscionable. (Doc. 60-2.)
3. Subject to the civil settlement agreement, Smith transferred property to the victim with a value exceeding the restitution order. (See Docs. 61, 60-3)

4. The victim's claims in the civil suit, settled and released pursuant to the civil settlement agreement, constitute the same loss as the restitution ordered in this criminal case. (See Docs. 61, 60-2.)

Accordingly, IT IS ORDERED that the Clerk of Court shall credit Smith's outstanding restitution with the transfer of real property and adjust the outstanding balance to \$0.00, and refund the overpayment of \$651.48 to Smith's BOP Inmate Trust Account.

DATED this 9<sup>th</sup> day of December, 2024.

  
Donald W. Molloy, District Judge  
United States District Court